

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**RC PETITION**

DO NOT WRITE IN THIS SPACE	
Case No. <b>10-RC-257615</b>	Date Filed <b>03-06-2020</b>

**INSTRUCTIONS:** Unless e-Filed using the Agency's website, [www.nlr.gov](http://www.nlr.gov), submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

**1. PURPOSE OF THIS PETITION:** RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

<b>2a. Name of Employer</b> Mission Hospital		<b>2b. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code)</b> 509 Biltmore Ave, Asheville, NC 28801; 428 Biltmore Ave., Asheville, NC 28801	
<b>3a. Employer Representative - Name and Title</b> Chad Patrick, CEO		<b>3b. Address (If same as 2b - state same)</b> 509 Biltmore Ave, Asheville, NC 28801	
<b>3c. Tel. No.</b> (828) 213-1111	<b>3d. Cell No.</b>	<b>3e. Fax No.</b> (828)213-1151	<b>3f. E-Mail Address</b> chad.patrick@hcahealthcare.com
<b>4a. Type of Establishment (Factory, mine, wholesaler, etc.)</b> Acute Care Hospital		<b>4b. Principal product or service</b> Healthcare	
<b>5b. Description of Unit Involved</b> Included: See Attachment A Excluded: See Attachment A		<b>5a. City and State where unit is located:</b> Asheville, North Carolina	
		<b>6a. No. of Employees in Unit:</b> 1600	
		<b>6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>	

**Check One:** ☐ 7a. Request for recognition as Bargaining Representative was made on (Date) \_\_\_\_\_ and Employer declined recognition on or about \_\_\_\_\_ (Date) (If no reply received, so state).  
☐ 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

<b>8a. Name of Recognized or Certified Bargaining Agent (If none, so state).</b> None		<b>8b. Address</b>	
<b>8c. Tel No.</b>	<b>8d. Cell No.</b>	<b>8e. Fax No.</b>	<b>8f. E-Mail Address</b>
<b>8g. Affiliation, if any</b>		<b>8h. Date of Recognition or Certification</b>	
		<b>8i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year)</b>	

**9. Is there now a strike or picketing at the Employer's establishment(s) involved?** \_\_\_\_\_ If so, approximately how many employees are participating? \_\_\_\_\_  
(Name of labor organization) \_\_\_\_\_, has picketed the Employer since (Month, Day, Year) \_\_\_\_\_.

**10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state)**  
None

<b>10a. Name</b>	<b>10b. Address</b>	<b>10c. Tel. No.</b>	<b>10d. Cell No.</b>
		<b>10e. Fax No.</b>	<b>10f. E-Mail Address</b>

**11. Election Details:** If the NLRB conducts an election in this matter, state your position with respect to any such election.

<b>11b. Election Date(s):</b> March 16, 2020	<b>11c. Election Time(s):</b> 6am-9am; 12pm-2pm; 6pm-9pm	<b>11d. Election Location(s):</b> Old Cafeteria - 509 Biltmore Ave.
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**12a. Full Name of Petitioner (including local name and number)**  
National Nurses Organizing Committee-North Carolina/National Nurses United

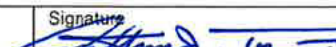
**12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state)**  
American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)

<b>12d. Tel No.</b> 510-273-2200	<b>12e. Cell No.</b>	<b>12f. Fax No.</b> 510-663-4822	<b>12g. E-Mail Address</b>
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**13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.**

<b>13a. Name and Title</b> Anthony J. Tucci, Legal Counsel		<b>13b. Address (street and number, city, state, and ZIP code)</b> 155 Grand Ave., Oakland, CA 94612	
<b>13c. Tel No.</b>	<b>13d. Cell No.</b>	<b>13e. Fax No.</b> 510-663-4822	<b>13f. E-Mail Address</b> atucci@nationalnursesunited.org

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

<b>Name (Print)</b> Anthony J. Tucci	<b>Signature</b> 	<b>Title</b> Legal Counsel	<b>Date</b> March 6, 2020
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**WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

**Attachment A**

**RC Petition  
Mission Hospital**

**by National Nurses Organizing Committee-North Carolina/National Nurses United  
(NNOC-North Carolina/NNU)**

**5. Unit Involved**

**Included:**

All full-time, regular part-time, and per diem Registered Nurses, employed by the Employer at its facility located at 509 Biltmore Ave., Asheville, NC 28801 and 428 Biltmore Ave., Asheville, NC 28801.

**Excluded:**

All other employees, guards, supervisors and other professional employees as defined in the Act.

**Eligibility date** is pay period ending Saturday, February 29, 2020.

Per diem nurses are eligible to vote if they have regularly averaged four hours or more per week in the 13 weeks before February 29, 2020, eligibility date. *Davison-Paxon Co.*, 185 N.L.R.B. 21 (1970).



*A Voice for Nurses. A Vision for Healthcare.*



**National  
Nurses  
United**

OAKLAND  
155 Grand Avenue  
Oakland CA 94612  
phone: 800-504-7859  
fax: 510-663-1625

## **Via Electronic Filing**

March 18, 2020

Scott C. Thompson, Acting Regional Director  
National Labor Relations Board, Region 10  
Harris Tower  
233 Peachtree Street N.E., Suite 1000  
Atlanta, GA 30303-1531

**Re:   *Mission Hospital*  
      Cases 10-RC-257615  
      Opposition to Employer's Second Motion to Postpone**

Dear Mr. Thompson:

Please accept this letter as the National Nurses Organizing Committee-North Carolina's ("NNOC" or the "Union") Opposition to Employer Mission Hospital's ("Employer") Second Motion to Postpone Deadline for its Statement of Position in the above matter.

The Employer's Motion to Postpone is without merit. The Acting Regional Director only postponed the date of the hearing. The Board Agent is continuing to work with the parties on this matter.

The Union is still unaware of any issue that is to be litigated. It is likely that the Parties will be able to resolve this matter without hearing; however, that can only be done if the Employer states its position.

In its second Motion to Postpone, the Employer has failed to state "extraordinary circumstances" justifying an indefinite postponement of its deadline to submit its Statement of Position. Reg. 102.63(b)(1). Nor did it state "special circumstances." *Id.*

As the NLRB's press release stated when announcing Agency-wide Telework, "The Agency will continue operations and enforcing the National Labor Relations Act . . . ." <https://www.nlr.gov/news-outreach/news-story/nlr-announces-agency-wide-telework-until-april-1>.

Mission Hospital's nurses are continuing to work during this COVID19 crisis, and they deserve to have the NLRB enforce their workplace rights.

Scott C. Thompson, Acting Regional Director  
NLRB, Region 10  
10-RC-257615  
Page 2

Thank you very much for your courtesies in this matter.

Respectfully submitted,

NNOC/NNU  
LEGAL DEPARTMENT

A handwritten signature in black ink, appearing to read "Anthony J. Tucci", with a stylized flourish at the end.

Anthony J. Tucci  
Legal Counsel

cc: Paul R. Beshears, Counsel for Employer  
Corey Franklin, Counsel for Employer

## PROOF OF SERVICE

The undersigned hereby declares under penalty of perjury that I am a citizen of the United States, over the age of eighteen years, not a party to the within action and that my business address is 155 Grand Ave., Oakland, California 94612.

On the date below, I served the following document:

### **OPPOSITION TO EMPLOYER'S SECOND MOTION TO POSTPONE**

via Electronic Mail as follows:

Paul Beshears

E-Mail: [pbshears@fordharrison.com](mailto:pbshears@fordharrison.com)

Corey Franklin

E-Mail: [cfranklin@fordharrison.com](mailto:cfranklin@fordharrison.com); (b) (6), (b) (7)(C)@fordharrison.com

*Counsel for Employer*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 18, 2020, at Oakland, California.



Tym Tschneaux

## **Via Electronic Filing**

March 18, 2020

Scott C. Thompson, Acting Regional Director  
National Labor Relations Board, Region 10  
Harris Tower  
233 Peachtree Street N.E., Suite 1000  
Atlanta, GA 30303-1531

**Re:   *Mission Hospital*  
      Cases 10-RC-257615  
      Opposition to Employer's Second Motion to Postpone – Response to  
      Beshears's March 18, 2020 Letter**

Dear Mr. Thompson:

I am writing to respond to Mr. Beshears's letter he filed earlier this evening in the above matter.

The Employer has still failed to state extraordinary circumstances for why it should receive a second postponement of the deadline to submit its Statement of Position. Rather, it merely states that the "extraordinary circumstances" are "self evident." While Employer's counsel uses the cover of the COVID-19 crisis to deny nurses their section 7 rights, management continues to use its personnel and resources to bust the Union. The Employer is still requiring nurses to attend captive-audience meetings around the clock during this crisis. Individual managers are continuing to meet with nurses one-on-one to pressure nurses to vote against the Union. If the Employer can continue its anti-union campaign during the COVID-19 crisis, it can fulfill its obligations to file a timely Statement of Position. As such, the Employer has failed to state "extraordinary circumstances" to justify another postponement and is disingenuously using COVID-19 to bust the Union.

Mr. Beshears's letter did not raise any issues that would require litigation. Through the Board Agent, I learned that the Employer may contend that the unit included other facilities than that for what the Union had originally petitioned. Mr. Beshears accurately quotes my inquiry to him. To complete the e-mail exchange, Mr. Beshears responded, "I will be happy to discuss, but I'm not sure what was being referred to as the fifth group."

The Union certainly understands that there may be disagreements about the scope of the unit that *could* require a Representation Hearing. However, we still do not know of any issue that cannot be resolved and would require a hearing. The Employer's Statement of Position is necessary to make this determination.

Scott C. Thompson, Acting Regional Director  
NLRB, Region 10  
10-RC-257615  
Page 2

For the foregoing reasons, and the reasons stated in the Union's letter earlier today, the Region should deny the Employer's Second Motion to Postpone and maintain the due date of noon eastern, Thursday, March 19.

Thank you very much for your courtesies in this matter.

Respectfully submitted,

NNOC/NNU  
LEGAL DEPARTMENT

  
Anthony J. Tucci  
Legal Counsel

cc: Paul R. Beshears, Counsel for Employer  
Corey Franklin, Counsel for Employer

## PROOF OF SERVICE

The undersigned hereby declares under penalty of perjury that I am a citizen of the United States, over the age of eighteen years, not a party to the within action and that my business address is 155 Grand Ave., Oakland, California 94612.

On the date below, I served the following document:

**Opposition to Employer's Second Motion to Postpone – Response to Beshears's March 18, 2020 Letter**

via Electronic Mail as follows:


Paul Beshears  
E-Mail: [pbshears@fordharrison.com](mailto:pbshears@fordharrison.com)

Corey Franklin  
E-Mail: [cfranklin@fordharrison.com](mailto:cfranklin@fordharrison.com); (b) (6), (b) (7)(C) @fordharrison.com

*Counsel for Employer*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 18, 2020, at Oakland, California.

  
Anthony J. Fucci



**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 10, SUBREGION 11**

**Mission Hospital,**

**Employer,**

**and**

**Case No. 10-RC-257615**

**National Nurses Organizing Committee –  
North Carolina / National Nurses United**

**Petitioner.**

\_\_\_\_\_ /

**EMPLOYER’S MOTION TO POSTPONE THE DEADLINE FOR  
SUBMITTING ITS STATEMENT OF POSITION FORM**

Mission Health (the “Employer”) requests a postponement of the deadline to file its statement of position form. In support of this motion, Employer shows as follows.

The hearing in this matter was originally scheduled to begin on Tuesday, March 17, 2020, and the Employer’s statement of position form was originally due by noon on Monday, March 16, 2020. On March 12, 2020, the Employer filed a motion to postpone both of these deadlines, and on March 13, 2020, the Acting Regional Director rescheduled the representation hearing to March 24, 2020 and the deadline for submission of the Employer’s statement of position form to noon on Thursday, March 19, 2020. On March 17, 2020, the Acting Regional Director issued an Order postponing the hearing in this matter. The Order did not reschedule the hearing to a specific date and stated “The hearing may be rescheduled to a later date.” As the hearing in this matter will not be held until some yet to be determined date, the Employer requests the deadline for submission of its statement of position form be postponed and be rescheduled once the hearing has been rescheduled to a specific date.

Submitted this 18<sup>th</sup> day of March, 2020.



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**PAUL R. BESHEARS**

FORD & HARRISON LLP  
271 17th St. N.W., Suite 1900  
Atlanta, GA 30363  
Telephone: 404-888-3800  
Facsimile: 404-888-3863

**ATTORNEY FOR THE EMPLOYER**

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that the foregoing was served electronically upon the following  
named individual on this 18<sup>th</sup> day of March, 2020.

Anthony J. Tucci  
[atucci@calnurses.org](mailto:atucci@calnurses.org)

A handwritten signature in blue ink, appearing to read "Paul R. Beshears", is written above a horizontal line.

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Paul R. Beshears

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 10, SUBREGION 11

MISSION HOSPITAL

Employer

and

Case 10-RC-257615

NATIONAL NURSES ORGANIZING  
COMMITTEE-NORTH CAROLINA / NATIONAL  
NURSES UNITED

Petitioner

**SECOND ORDER RESCHEDULING HEARING**

Given the current situation, the Acting Regional Director postponed the hearing. The hearing in the above-entitled matter is rescheduled to **Monday, April 6, 2020** at a location to be determined (TBD). On April 1, 2020, the hearing may be rescheduled to a later date. The Region will communicate with the parties.

The Statement of Position in this matter must be filed with the Acting Regional Director and served on the parties listed on the petition by no later than **noon** Eastern time on **Friday, April 3, 2020**. The Statement of Position may be e-Filed but, unlike other e-Filed documents, must be filed by noon Eastern time on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position, the Statement of Position is not required to be filed.

Dated: March 23, 2020



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SCOTT C. THOMPSON  
ACTING REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 10  
233 Peachtree St NE  
Harris Tower Ste 1000  
Atlanta, GA 30303-1504

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 10, SUBREGION 11**

**MISSION HOSPITAL**

**Employer**

**and**

**Case 10-RC-257615**

**NATIONAL NURSES ORGANIZING  
COMMITTEE-NORTH CAROLINA / NATIONAL  
NURSES UNITED**

**Petitioner**

**AFFIDAVIT OF SERVICE OF: Order Rescheduling Hearing, dated March 23, 2020.**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **March 23, 2020**, I served the above-entitled document(s) by **electronic mail** upon the following persons, addressed to them at the following addresses:

Chad Patrick, CEO  
509 Biltmore Ave  
Asheville, NC 28801

Paul R. Beshears, Esq.  
FordHarrison LLP  
271 17th Street, NW, Suite 1900  
Atlanta, GA 30363-6202

Patricia G Griffith, Attorney at Law  
Ford Harrison LLP  
271 17th St. NW, Suite 1900  
Atlanta, GA 30363

Corey L. Franklin, Esq., Partner  
Ford & Harrison LLP  
7777 Bonhomme Ave., Suite 1800  
Saint Louis, MO 63105-1931

Anthony J Tucci, Legal Counsel  
155 Grand Ave  
Oakland, CA 94612

March 23, 2020

Date

TABATHA THOMAS,  
Designated Agent of NLRB

Name

/s/ Tabatha Thomas

Signature